

# **Workers' Compensation Agency**



*Michigan's State Capitol Building  
Lansing, Michigan*

## **2006 Annual Report**



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*State of Michigan*

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## *Overview*

2006 marked the 94<sup>th</sup> anniversary of workers' compensation law in Michigan. Prior to the initial enactment in 1912, a worker who was injured in the course of his or her employment could sue his or her employer in a civil or "tort" action. This was the same remedy available to any person injured under other circumstances. The tort remedy, however, has certain problems. It requires the worker prove that the injury occurred because the employer was negligent. The employer could then assert one or more of three important defenses: (1) that the worker was also negligent, (2) that the worker knew of the dangers involved and "assumed the risk," or (3) that the injury occurred because of the negligence of a "fellow employee." Under this system it was very difficult for workers to recover against their employers. If they did win, however, they could receive damages similar to other civil actions.

In 1912 Michigan, along with most other states, adopted a Workmen's Compensation Act. The new remedy was essentially a "no-fault" system under which a worker no longer had to prove negligence on the part of the employer, and the employer's three indicated defenses were eliminated. The intent of the new law was to require an employer to compensate a worker for any injury suffered on the job, regardless of the existence of any fault or whose it might be.

Workers' compensation law became Michigan's first "tort reform" legislation. In exchange for the simplified burden of proof and elimination of the common law tort defenses indicated above, injured workers are now entitled only to (1) certain wage loss benefits, (2) medical treatment subject to cost containment rules, and (3) limited vocational rehabilitation services. Recovery under workers' compensation is limited to these three areas, no matter how serious the injury. There is no pain and suffering compensation. There are no jury trials. The cases are adjudicated before an appointed Board of Magistrates and the first level of appeal is to another appointed body, the Workers' Compensation Appellate Commission. Appeals to the Court of Appeals and Supreme Court are only by leave granted. Employers are protected from most other injury claims by employees since the benefits under the Workers' Disability Compensation Act are deemed to be the employee's "exclusive remedy."

Nearly all employers in Michigan are covered by workers' compensation. This includes both public and private employers. In fact, when talking about workers' compensation, it is easier to discuss the exceptions. There are a few classes of workers who are covered by federal laws and are not covered by the Workers' Disability Compensation Act of Michigan. Employees of the federal government (such as postal workers, employees at a veteran's administration hospital, or members of the armed forces) are covered by federal laws. People who work on interstate railroads are covered by the Federal Employers Liability Act. Seamen

on navigable waters are covered by the Merchant Marine Act of 1920, and people loading and unloading vessels are covered by the Longshoremen's and Harbor Workers' Compensation Act. Virtually all other workers and employers are subject to Michigan's law.

Certain very small employers are exempt. If a private employer has three or more employees at any one time, or employs one or more workers for 35 or more hours per week for 13 or more weeks, the employer is subject to the Workers' Disability Compensation Act (Section 115).

## ***2006 Highlights***

- ◆ We commenced the rule promulgation process to amend the procedure for how the Board of Magistrates handles subpoenas. The primary change requires that all subpoenaed records be sent to the person subpoenaing the records versus the current method that requires that all records be submitted to the Board of Magistrates.
- ◆ We will begin the rule promulgation process to streamline vocational rehabilitation procedures.
- ◆ In April of 2005, our agency's automated system suffered a massive data loss. By the first quarter of 2006, we had completed the recovery of pertinent missing data on all pending contested cases. We then began the tedious work of recovering the non-contested claims for which there are no physical paper files. This project will continue throughout 2007.
- ◆ The emergency rule for Group Self-Insurance employee leasing became a permanent rule March 9, 2006.
- ◆ A successful completion of Michigan Tooling Association Self-Insured Fund conversion to a mutual company became effective January 1, 2007.
- ◆ Self-insurer rules that change some aspects of the letter of credit and claims service company requirements made it through the public hearings phase and were referred to JCAR in December 2006.
- ◆ The health care services rules adopted a fee schedule for Durable Medical Equipment (DME) and supplies based upon Medicare plus 5%. When the equipment or supply does not have a Medicare established fee, the services are reimbursed at invoice cost plus a percentage. The amount above invoice is based upon a sliding scale allowing a 20-50% mark-up depending upon invoice cost. The fee schedule also adopted \$49.22 as the single conversion factor for practitioner services which was a 2% increase from 2005.
- ◆ For the first time, Michigan was included in the Workers' Compensation Research Institute's (WCRI) multi-state benchmarking study. The WCRI evaluated the performance of Michigan's workers' compensation system compared to 13 other states with the results to be published in early 2007. The major findings were that Michigan's total costs per claim were among the lower group of states; that Michigan's indemnity or weekly benefits payments per claim were at the lower end of the middle group of states; and that Michigan's medical costs per claim were among the lowest of the 14 states studied.
- ◆ The Funds Administration Information System (FAIS) database upgrade from PowerBuilder 6.5 to 10.2 was completed.

## *2006 Highlights (continued)*

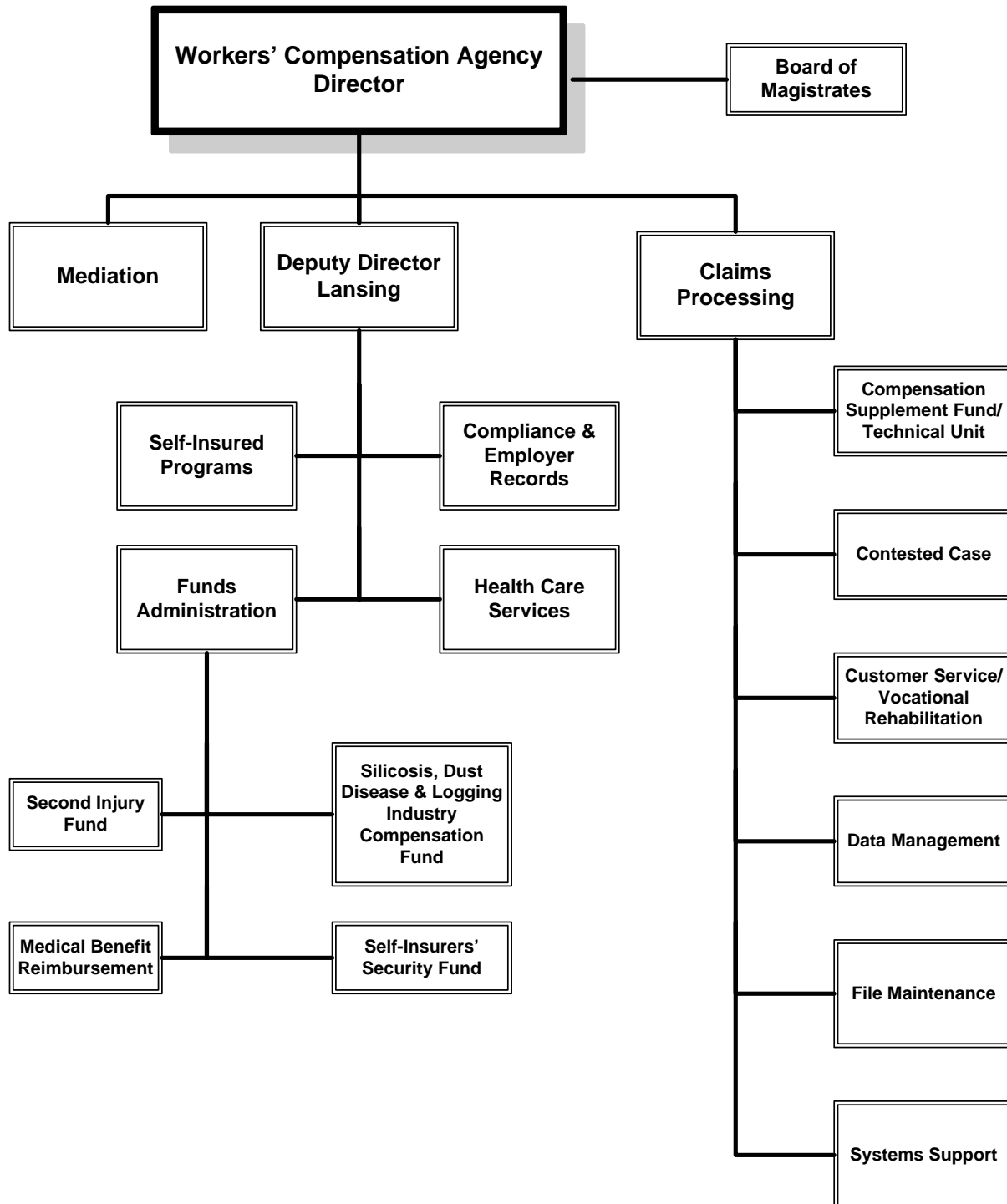
- ◆ Funds Administration has worked in conjunction with the Compliance and Employer Records division to collect fines from employers that have allowed their workers' compensation insurance coverage to lapse. Over \$490,000 was collected and paid into the workers' compensation administrative fund.
- ◆ Governor Granholm appointed Magistrate Gorchow as Chair of the Workers' Compensation Board of Magistrates. The Governor also appointed John Baril, Kenneth Birch, Jennifer Crawford, Lee Decker, Garry Goolsby, Carol Guyton, James Kent, Jan Leventer, Beatrice Logan, Victor McCoy, Melody Paige, John Wierzbicki and Richard Zettel to serve as magistrates.
- ◆ In August, we conducted the second annual Trial and Practice Seminar series. This series, in partnership with the Workers' Compensation Section of the State Bar of Michigan and in conjunction with the Committee on Minority Presence, was accomplished with the Unemployment Agency remote training system enabling participation throughout the state. A detailed "mock trial" was presented allowing for the attendees to gain a good basic understanding of how a Workers' Compensation contested case is handled through the trial preparation and adjudication. The attendees were from all segments of the Workers' Compensation community with all levels of experience.
- ◆ The Magistrates opinions, from January 2006 forward, are now available on the WCA web site at: [www.michigan.gov/wca](http://www.michigan.gov/wca). There is a searchable index system similar to that used by the WCAC.
- ◆ Renovations of the Agency's office at the State Secondary Complex began with a smooth transition to temporary quarters in the Hollister Building in Lansing. It is anticipated that the Agency will return to its original location by late summer, 2007. There was no significant interruption in service to our customers.



## ***What to look for in 2007***

- ◆ New procedures for the handling of subpoenas to comply with the rule modification will be implemented by the Board of Magistrates.
- ◆ We will begin the rule promulgation process to streamline the vocational rehabilitation procedures.
- ◆ Implementation of new self-insurer rules after final JCAR approval.
- ◆ On site reviews of Group Fund operations will begin in 2007. All Group Funds can expect at least one on site review in 2007.
- ◆ Changes in the Agency's oversight of the Group Fund annual renewal process will require applications and necessary attachments be delivered in person to the Agency by the group fund administrator at least 30 days prior to their renewal. This will provide the Agency and Administrator the opportunity to review the application for completeness, accuracy and appropriate funding levels and also ensure that the application is received in a timely manner.
- ◆ The WCA will be working with additional carriers interested in submitting Proof of Coverage information electronically. It is our goal to move Accident Fund Insurance Company of America and Auto Owners Insurance Company into production in 2007.
- ◆ Appointments of magistrates for openings on the Workers' Compensation Board of Magistrates.
- ◆ "CompCollege07" annual education program, for the mediators, members of the Board of Magistrates and the Appellate Commission.

# Organization Chart



## ***How to Contact Us***

### ***The agency is located at:***

Michigan Dept. of Labor & Economic Growth  
Workers' Compensation Agency  
7150 Harris Drive  
P.O. Box 30016  
Lansing, Michigan 48909

**Telephone (toll free):** 888-396-5041

**Website address:** [www.michigan.gov/wca](http://www.michigan.gov/wca)

## ***Office Locations***

<b>LOCATION</b>	<b>ADDRESS</b>	<b>Telephone #</b>
<b>Detroit</b>	Cadillac Place, Ste. 3-700 3026 West Grand Blvd P.O. Box 02989, 48226	(313) 456-3650
<b>Escanaba</b>	State Office Building 305 Ludington, 49829	(906) 786-2081
<b>Flint</b>	Bristol West Center, Ste. 110 G-1388 W. Bristol Rd., 48507	(810) 760-2618
<b>Grand Rapids</b>	2942 Fuller Street NE, 49505	(616) 447-2680
<b>Kalamazoo</b>	940 N. 10 <sup>th</sup> Street, 49009	(269) 544-4440
<b>Lansing</b>	Ottawa State Office Building 611 W. Ottawa, Lansing P.O. Box 30016, 48909	(517) 241-9380
<b>Mt. Clemens</b>	Clemens Center 32 Market Street, 48043	(586) 463-6577
<b>Pontiac</b>	28 N. Saginaw, NBD Building Suite 1310, 48342	(248) 334-2497
<b>Saginaw</b>	State Office Building 411-K E. Genesee, 48607	(989) 758-1768

## *Administration*

The mission of the Workers' Compensation Agency is to efficiently administer the Workers' Disability Compensation Act of Michigan, which includes carrier and employer compliance, timely benefit payments and the prompt and fair adjudication of claims involving Michigan's injured workers.

### Goals:

- ◆ Ensure that employees that have suffered a work-related injury or occupational disease are provided correct wage loss replacement, medical and vocational rehabilitation services during periods of incapacity, and that these benefits are paid timely and accurately.
- ◆ Provide leadership to carry out a legislative agenda for more efficient regulation and delivery of workers' compensation benefits.
- ◆ Provide an informal and formal dispute resolution process for employers, insurance carriers, injured workers, and health care providers.
- ◆ Monitor medical care providers' compliance with the agency's Health Care Services Rules (cost containment fees) to ensure that the cost of providing health care services remains reasonable and that injured workers have access to quality health care statewide.
- ◆ Monitor the financial position of all individual and group self-insureds to ensure their ability to meet future payment of benefits on a timely basis.
- ◆ Maintain a historical insurance coverage record system for the more than 200,000 employers subject to the Workers' Disability Compensation Act.
- ◆ Monitor and enforce employers' compliance with the requirements for insurance coverage.
- ◆ Ensure carrier and employee rights to benefits or reimbursement, within Chapter 5-Funds of the Workers' Disability Compensation Act, are determined and paid in a timely and accurate manner.

The Workers' Compensation Agency has a website which contains a variety of information about the agency, the Board of Magistrates and the Workers' Compensation Appellate Commission. The address is [www.michigan.gov/wca](http://www.michigan.gov/wca).

## ***Claims Processing***

The Claims Processing Division maintains a current and historical claims/case records system. Its objective is to ensure that employees that have suffered work related injuries are provided correct wage loss replacement and that both voluntary claims and litigated cases are processed in a timely manner.

This division performs a wide variety of functions relating to workers' compensation claims. The program is broken down into six major sections:

- ◆ ***Compensation Supplement Fund.*** The Compensation Supplement Fund was established to provide a cost-of-living adjustment to workers who were injured between 9/1/65 and 12/31/79. The staff reviews and processes all applications for reimbursement, which are submitted by carriers on a quarterly basis. In 2006, the Compensation Supplement Fund reimbursed 2,956 claims, including \$691,316.47 in payments and \$4,993,312.98 in Single Business Tax Credits, for a total of \$5,684,629.45. The section is also responsible for collecting and auditing all redemption fees. In 2006, we collected \$1,783,900.00 in Redemption Fees.
- ◆ ***Contested Case.*** The Contested Case staff screens and data enters all applications for mediation or hearing, creates case files, and schedules and mails out notices for the initial magistrate pre-trial or mediation hearing. In addition, the staff handles all mail related to litigated cases and data enters and mails orders. In 2006, the staff processed over 26,947 applications for mediation or hearing, 38,457 pieces of correspondence and carriers response forms, and 19,693 magistrate and mediator dispositive orders.
- ◆ ***Customer Service/Vocational Rehabilitation.*** The Customer Service Section is responsible for answering general claims questions received on the agency's toll free telephone line, and assisting customers by responding to general correspondence and other inquiries. The section is responsible for efficiently handling all first level Health Care Service Rule hearings via teleconference, and resolved 3,919 cases in 2006. The staff also investigates allegations of violations of the Act in accordance with R408.35 (Rule 5). In addition, the staff is responsible for ensuring that customers promptly receive any forms that are requested. In 2006, the agency received approximately 28,942 calls via the toll-free line.

This section is also responsible for ensuring that employers provide vocational rehabilitation services according to the provisions of the Act and that the injured employees accept such services. The VR staff provides information and assistance to all parties, approves rehabilitation facilities, monitors ongoing rehabilitation programs, and conducts periodic training seminars. The staff also conducts first level vocational rehabilitation hearings on behalf of the director, handling 50% of the cases at the first level. In addition, the VR staff coordinates the 2<sup>nd</sup> level hearing process.

- ◆ ***Data Management.*** The Data Management section is responsible for reviewing, evaluating and data entering all claims forms required by the statute. The staff also manually audits all opinions, orders and voluntary pay agreements as well as certain forms that cannot be audited by the system. In addition, this section is responsible for microfilming all agency mail. In 2006, the staff data entered 144,247 claims forms.
- ◆ ***File Maintenance.*** The File Maintenance staff prepares all agency mail for microfilming (which includes automatic date stamping). The preparation includes opening, sorting, screening, and matching agency forms and correspondence. In 2006, the section processed 599,130 forms and correspondence relating to claim, case and insurance records. This section is also responsible for housing and maintaining workers' compensation cases that are in open payment status. In addition, the staff prepares closed files for Records Center and recalls them when necessary. In 2006, approximately 28,000 claims/cases were retired.
- ◆ ***Systems Support.*** The Systems Support staff is responsible for overseeing the agency's automated system, including scheduling of all mainframe jobs, creating and running all ad hoc reports, identifying and working with the programmers to fix all system problems, and designing and developing new applications. The staff spent all of 2006 working on restoring critical data that was lost on our automated system in April 2005. All pertinent information from our pending contested cases was recovered and staff is now working on the voluntary payment claims. This effort will continue through 2007.

## ***Mediation***

The purpose of mediation is to resolve cases between employers and employees in an informal setting. Intervention of a mediator in a claim before it becomes a formal dispute could resolve claims short of costly litigation. These individuals are available to answer questions and try to assist workers, employers, insurance carriers, and health care providers in resolving problems without the necessity of going through the formal litigation process.

Mediation conferences are held by two methods: in person or by teleconference. Conferences held by mediators include:

- ◆ *Statutory Mediation.* Section 223 of the statute provides for mediation in specific cases being disputed. They are: all applications for hearing filed by an injured employee without an attorney, all medical only disputes, all closed periods of disability being alleged and any other disputes that the agency believes would be assisted by mediation.
- ◆ *Vocational Rehabilitation Director Hearings.* Disputes concerning the proper course of vocational rehabilitation are first submitted to the agency director. The director then refers the dispute to one of his representatives to conduct a vocational rehabilitation hearing. The goal of the vocational rehabilitation hearing is to facilitate a voluntary agreement between the parties regarding the appropriate course of vocational rehabilitation for the injured worker. If the parties cannot reach an agreement, an order can be entered specifying the appropriate vocational rehabilitation plan.
- ◆ *Magistrate Referral Mediation.* These are cases on the magistrates' dockets that they believe mediation would be helpful in resolving the disputed claim. If the matter is not resolved before the mediator, then the claim goes back before the assigned magistrate for a hearing and decision.

## ***Compliance and Employer Records***

The Compliance and Employer Records Division works to ensure that all employers subject to the Michigan Workers' Disability Compensation Act have complied with the requirements by securing workers' compensation coverage either through a policy of insurance or through approved self-insured authority.

The division maintains the current and historical record system for over 239,000 employers. This includes coverage records on self-insurers, employers with insurance, and employers who have excluded themselves from the Act. In addition, this division has the responsibility to enforce employers' compliance with insurance requirements of the statute.

The major objectives of this program are:

- ◆ To keep an accurate insurance coverage record;
- ◆ To identify the responsible insurance carriers for employers listed on applications for mediation or hearing;
- ◆ To communicate with those employers who fail to maintain insurance coverage, using the civil process to enforce such compliance if the employer fails to comply even after being advised of the requirements of the statute by division staff.

Since 1983, workers' compensation insurance premiums in Michigan have been set in the marketplace. This means that different insurance companies charge different premiums. Research done by the insurance commissioner suggests that employers should "shop around" for the best deal on insurance. All workers' compensation insurance policies provide the same coverage. However, some cost more than others and some companies provide more services than others. Employers should shop for the best price and the most service from their workers' compensation insurance company.

In addition, the agency has been penalizing employers when they allow their workers' compensation coverage to lapse. To date, the agency has collected \$2.4 million in fines as a result of these lapses in coverage.



## ***Self-Insured Programs***

The Workers' Disability Compensation Act permits employers to request authority to self-insure and assume responsibility for direct payment of benefits to injured workers. The Act also permits providers of claims adjusting, underwriting and loss control services to apply and be approved by the agency to provide these services to approved self-insurers.

Two types of self-insured authority are permitted in the Act. Individual employers may be approved as self-insured or, two or more employers in the same industry can apply for group self-insured authority. Statutory requirements, administrative rules and agency policy require annual renewal applications and various monitoring and approval tasks throughout the year.

Self-Insured Programs conducts initial regulatory reviews on employer-generated self-insured applications and in the formation of group self-insured programs; provides guidance through the approval, formation, and review process; and issues decisions that detail the required security and exposure limiting devices based on statutory authority and the agency's established policy. Initial and annual regulatory reviews are also conducted on service company applications. The staff works to resolve all issues and disputes generated by self-insured employers by telephone or informal meetings and through the formal hearing process. The section also provides information to the public relevant to self-insured concepts and notifies self-insured employers and other interested parties of changes in statute, administrative rules, and departmental policy.

This division is also the final approval authority in surplus money being returned to the group membership. This process requires the review and assessment of financial statements, actuarial reports and independent claims and audit reports. Surplus return authorizations range between \$35,000,000 and \$90,000,000 annually.

## *Health Care Services*

The Health Care Services Division performs a wide variety of functions mandated in section 418.315 of the Workers' Disability Compensation Act of 1969, as amended. These functions include; (1) Rule Development, Review and Revision, (2) Evaluation, and (3) Information and Education. A brief summary that delineates the responsibilities of each category is below:

- ◆ *Rule Development, Review and Revision.* The Act and the Workers' Compensation Health Care Services Rules identify policies for coverage and reimbursement to health care providers. Health care trends and policies are researched and developed by staff and Health Care Services (HCS) Advisory Committee members in accordance with nationally recognized standards of practice and reimbursement methodologies. Practitioner reimbursement is based upon resource based relative value units (RBRVS).
- ◆ *Evaluation.* The evaluation process consists of compiling carrier data and analyzing charges, payments, health care procedures and medical diagnosis. The results of the data analysis are used to decide reimbursement levels, utilization parameters, and level of care diagnosis. Provider and carrier compliance is also monitored through the case samples and other reports provided by carriers. A carrier's professional review process is certified by staff to assure that appropriate medical review criteria are utilized according to Rule requirements. Carriers must also attest that professional review staff are licensed and certified as required by Workers' Compensation Health Care Services Rules.
- ◆ *Information and Education.* Staff responds to numerous telephone and written inquiries for information and clarification of the rules, assists in resolving differences between a carrier and a provider, meets with provider, carrier and employee organizations, professional review companies, attorneys, mediators, magistrates and legislators. Staff also provides educational seminars for providers, carriers and professional review agencies regarding the application of the rules, billing procedures, carrier and provider responsibilities and rights outlined in the rules. Staff also participates on panels and programs on workers' compensation health care.

## ***Funds Administration***

The Funds Administration Division, consisting of the Second Injury Fund; Silicosis, Dust Disease and Logging Industry Compensation Fund; and the Self-Insurers' Security Fund is managed by a board of three trustees. Two trustees are appointed by the Governor with the advice and consent of the Senate. One represents employers authorized to act as self-insurers in Michigan and the second represents the insurance industry. The third trustee is the director of the Workers' Compensation Agency.

Responsibilities of the Funds Administration are defined within the Workers' Disability Compensation Act. The applicable sections of the Act are 351, 356(1), 361(3), 372, and 862. The applicable chapters of the Act are 5 and 9.

The Funds Administration is funded 100% by insurers who write workers' compensation policies in the State of Michigan, and employers who self-insure their workers' compensation risks. These assessments cover all benefits paid by the Funds Administration, and all administrative costs.

The Funds Administration handled approximately 3,596 cases during 2006. At the close of the calendar year, the Funds Administration had 2,519 open files. The total expenditures for the Funds Administration during 2006 were \$27,522,504. Benefit payments were \$22,583,396, and administrative costs including the costs of litigation equaled \$4,939,108. Complete fiscal and calendar year accounting may be obtained from the Funds Administration office. Detailed information regarding the Funds Administration Division can be found in the Funds Administration Overview located on the Workers' Compensation Agency's web site at [www.michigan.gov/wca](http://www.michigan.gov/wca).

The Medical Benefit Reimbursement Provision [MCL 418.862(2)] is also administered by the Funds Administration. The funds for this provision, however, come through the State of Michigan General Fund.

## ***Board of Magistrates***

Section 213 of Public Act 103 of 1985 authorizes the Workers' Compensation Board of Magistrates. By statute, the Board of Magistrates originally consisted of 30 members that are appointed by the Governor and confirmed by the Senate, and responsible for hearing and deciding contested cases filed after March 31, 1986. The number of magistrates was reduced to 26 by the December 2003 Executive Reorganization Order 2003-1. Each magistrate must be a licensed attorney in Michigan, and either pass an exam or have five years of experience in workers' compensation. A magistrate cannot be reappointed after serving a total of 12 years.

Magistrates decide claims at the formal hearing level of the contested claims process of the workers' compensation system. All resolutions require a formal written order or opinion with findings of fact and conclusions of law. Parties to a decision may stipulate to modify or correct a decision within 30 days. Additionally, the board is responsible for hearing any dispute meeting the requirements for the Small Claims Division established under Section 841 of Public Act 103 of 1985. The magistrates must also approve the settlement of Workers' Compensation claims by conducting Redemption hearings.

In January 2006, Magistrates John Baril, Carol Guyton, John Wierzbicki and Richard Zettel were re-appointed. Six new magistrates were appointed, including Kenneth Birch (assigned to Flint), former Appellate Commissioners Garry Goolsby (assigned to Lansing) and James Kent (assigned to Saginaw), Jan Leventer (assigned to Detroit), Beatrice Logan (assigned to Mt. Clemens), and Victor McCoy (assigned to Pontiac). Three more vacancies were later filled by the appointment of Jennifer Crawford (assigned to Flint and Traverse City), former Magistrate Melody Paige (assigned to Detroit and Pontiac), and Lee Decker (assigned to Detroit). Two of these latter vacancies occurred because of the unfortunate disability of Magistrate Alexander Ornstein, which lead to his resignation in May 2006; and the illness and untimely death of Magistrate Michael Barney in September 2006. Alex and Mike were both long-time participants in the workers' compensation community, and were well-respected for their knowledge of the law and contributions to the field of workers' compensation.

In April 2006, on the campus of Walsh College in Novi, Michigan, the annual two day program, called "CompCollege06," was held for workers compensation magistrates, appellate commissioners, and mediators. The program included an engaging fast-paced seminar on decision and opinion writing presented by Professor Timothy Terrell of Emory University Law School. In addition, the 35 participants engaged in workshops and shared their perspectives in wide-ranging discussions of issues that impact their dockets and the decision making process.

In October, the Qualifications Advisory Committee provided the Governor with a list of candidates it found qualified to fill the magistrate positions opening up with the expiration of the terms of 8 magistrates on January 26, 2007.

Medicare, Medicaid and Friend of the Court liens continue to slow down the redemption settlement of cases. While Medicare continues to be a major concern, considerable progress has been made with Medicaid and Friend of the Court. The Chair of the Board of Magistrates will continue working together with the Director of the Agency in an effort to bring these delays further under control.

## *Appellate Commission*

The Workers' Compensation Appellate Commission (commission) is a body of five attorneys, appointed by the Governor with advice and consent of the Senate to serve 4-year terms (3-term limit). The Worker's Disability Compensation Act (Act) MCL 418.101 et seq.; provides general policies for administration, gives the chairperson appointing and work assignment authority, grants rule-making authority to the commission as a body, sets out the scope of review, and provides procedures for employers, employees, insurance carriers, and attorneys seeking review of a hearing officer's decision. The primary legal basis for the commission is found in §274 and §861 of the Act.

In January of 2006, Martha M. Glaser served as chairperson, with appointed Commissioners James J. Kent, Rodger G. Will, Gregory A. Przybylo and Granner S. Ries. Commissioner Kent was appointed to the Board of Magistrates in January of 2006, leaving a vacant seat on the Commission. Donna J. Grit was appointed to that seat in April of 2006.

By providing expeditious, impartial and judicial review of contested claims for workers' compensation benefits, the commission serves to minimize undue monetary suffering of employees and reduce costs to employers in the state of Michigan. Created as an independent body, the commission has the power and authority to review decisions written and issued by the Workers' Compensation Agency and the Board of Magistrates regarding benefits for work-related disabilities and related issues. The commission also acts as a buffer to prevent an influx of claims to the state Court of Appeals.

When Decisions issued by the Workers' Compensation Agency and Board of Magistrates are disputed and appealed, the commission's caseload is created. By law, commissioners are required to review the relevant record of a case, and are expected to publish scholarly and concise opinions that reflect relevant statutory and case law. To accomplish this, the commission strives to promptly review cases and write dispute-resolving opinions that comply with the requirements set forth in MCL 418.861(a). Decisions on legal points provide guidance to the agency, magistrates, attorneys, employers, employees and insurance carriers regarding benefit entitlement and hearing procedures.

For administrative efficiency, the commission utilizes administrative support staff that assist commissioners by docketing transcripts and briefs, typing and formatting draft and final opinions, and processing routine correspondence, thus ensuring excellence in the final published product, and providing top-quality customer service. The commission's support staff includes: one executive secretary, four legal secretaries and one word processor.

The appeal process is governed in part by the Administrative Appellate Rules which the Commission has the authority to make and amend. In 2006, amendments to the rules were filed with the Secretary of State and became effective on April 19, 2006. Those amendments to the rules provided for: 1) cross-appeals to be filed on a claim for review form; 2) clarify ambiguity regarding how to determine the date a transcript or brief was received and; 3) requires affidavits to be filed along with motions alleging facts not in the record evidence.

Commission opinions continue to be published online at:  
<http://www.michigan.gov/wca>.

The average “shelf life” of case files (the time span between when a case is ready for review and when it is actually decided) continues to be approximately seven months.

The commission continues to accept electronic filings, such as, transcript extensions, brief extensions and motions.

The commission created and maintained a website section to post new policies and procedures.

The commission continues to encourage Oral Arguments, having held three such arguments in 2006.

During 2006, the commission received 299 new claims. Including reconsiderations and remands from higher courts the total incoming caseload was 306 for the year. The commission published 323 opinions (271 dispositive and 52 non-dispositive). There were 78 dissenting and 50 concurring opinions written. 164 other dispositive actions were processed, consisting of 62 redemptions, 24 withdrawals and 78 orders. 262 non-dispositive orders were issued, for a total production of 877 dispositions.

The caseload is tracked to document the number of perfected appeals (all required transcripts and briefs have been filed). At the beginning of 2006 there were a total of 224 perfected appeals. At the 2006 year-end, the number of perfected appeals decreased to 158.

The commission was affected somewhat by the informational system meltdown which occurred in April of 2005. Statistics continue to be produced manually, but now are able to be published on a monthly basis.

## ***Qualifications Advisory Committee (QAC)***

The Qualifications Advisory Committee (QAC) consists of 10 individuals appointed by the Governor to oversee the appointment process for the Workers' Compensation Board of Magistrates and Appellate Commission. Its duties include recommending candidates to the Governor for the board and commission, evaluating the performance of individuals appointed to those positions, and reviewing caseloads and making recommendations to the Governor concerning reductions or increases in the number of magistrates and appellate commissioners. The QAC members are appointed for four-year terms and serve at the pleasure of the Governor.

The Qualifications Advisory Committee was chaired by Marya Sieminski, with members Libby Child, Sherisse Fiorvento, Phillip Gilliam, Diane Kwitoski, Regina Meo, David Radtke, Jeffery Stuckey, Cynthia Westerhof, and Richard Zapala serving during 2006.

During 2006, the Qualifications Advisory Committee met six times. They interviewed 11 applicants for the Appellate Commission, 2 incumbent commissioners, 15 applicants for the Board of Magistrates, and 5 incumbent magistrates. The QAC also reviewed and evaluated the work performance of 2 appellate commissioners and 9 magistrates.



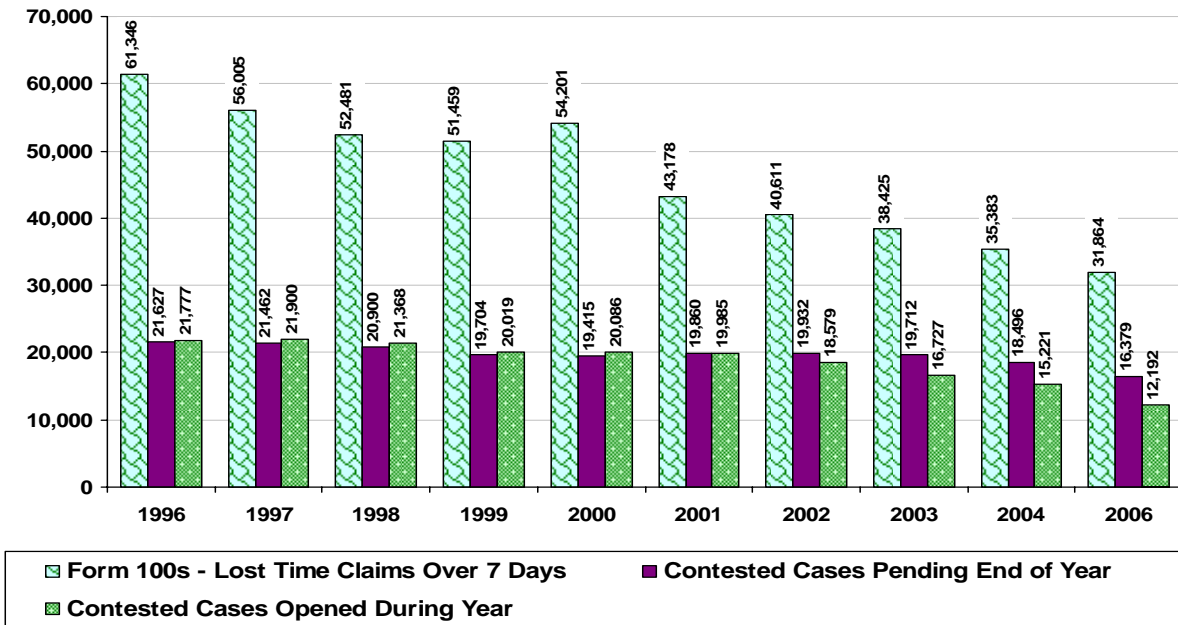
# *Statistics & Charts*

**State Average Weekly Wage & Maximum Benefit Amounts**  
**(1982 – Present)**

Year	SAWW	90% of SAWW (Maximum)	2/3 of SAWW*	50% of SAWW (Minimum Benefit for Death Cases)	25% of SAWW (Minimum Benefit for Specific Loss and T&P)
2007	\$803.17	\$723.00	\$535.45	\$401.59	\$200.79
2006	\$784.31	\$706.00	\$522.87	\$392.16	\$196.08
2005	\$765.12	\$689.00	\$510.08	\$382.56	\$191.28
2004	\$744.49	\$671.00	\$496.33	\$372.25	\$186.12
2003	\$724.96	\$653.00	\$483.31	\$362.48	\$181.24
2002	\$715.11	\$644.00	\$476.74	\$357.56	\$178.78
2001	\$714.46	\$644.00	\$476.31	\$357.23	\$178.62
2000	\$678.23	\$611.00	\$452.15	\$339.12	\$169.56
1999	\$644.06	\$580.00	\$429.37	\$322.03	\$161.02
1998	\$614.10	\$553.00	\$409.40	\$307.05	\$153.53
1997	\$591.18	\$533.00	\$394.12	\$295.59	\$147.80
1996	\$581.39	\$524.00	\$387.59	\$290.70	\$145.35
1995	\$554.22	\$499.00	\$369.48	\$277.11	\$138.56
1994	\$527.29	\$475.00	\$351.53	\$263.65	\$131.82
1993	\$506.80	\$457.00	\$337.87	\$253.40	\$126.70
1992	\$489.01	\$441.00	\$326.01	\$244.51	\$122.25
1991	\$477.40	\$430.00	\$318.27	\$238.70	\$119.35
1990	\$474.22	\$427.00	\$316.15	\$237.11	\$118.56
1989	\$454.15	\$409.00	\$302.77	\$227.08	\$113.54
1988	\$440.77	\$397.00	\$293.85	\$220.39	\$110.19
1987	\$433.91	\$391.00	\$289.27	\$216.96	\$108.48
1986	\$414.70	\$374.00	\$276.47	\$207.35	\$103.68
1985	\$397.48	\$358.00	\$264.99	\$198.74	\$99.37
1984	\$370.65	\$334.00	\$247.10	\$185.33	\$92.66
1983	\$358.89	\$324.00	\$239.26	\$179.45	\$89.72
1982	\$340.45	\$307.00	\$226.97	\$170.23	\$85.11

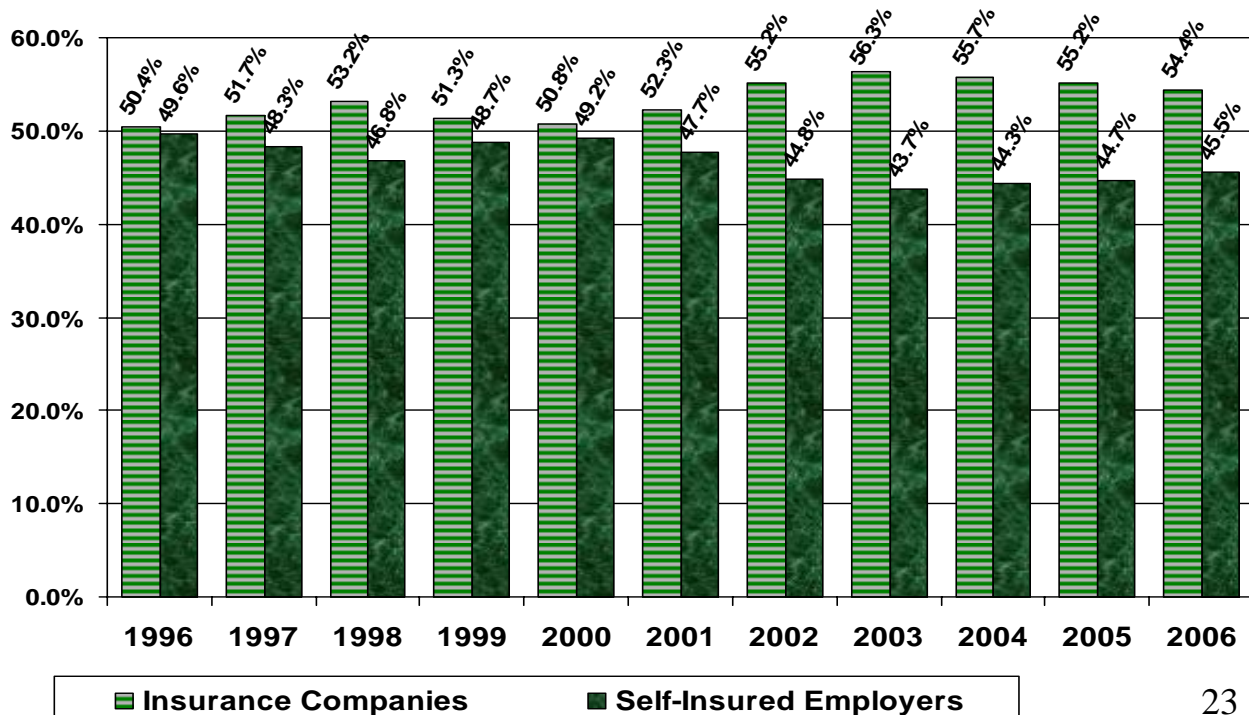
- Discontinued fringe benefits may not be used to raise the weekly benefits above this amount.  
Attorney fees may not be based on a benefit rate higher than this amount.

# Claim/Case Trends

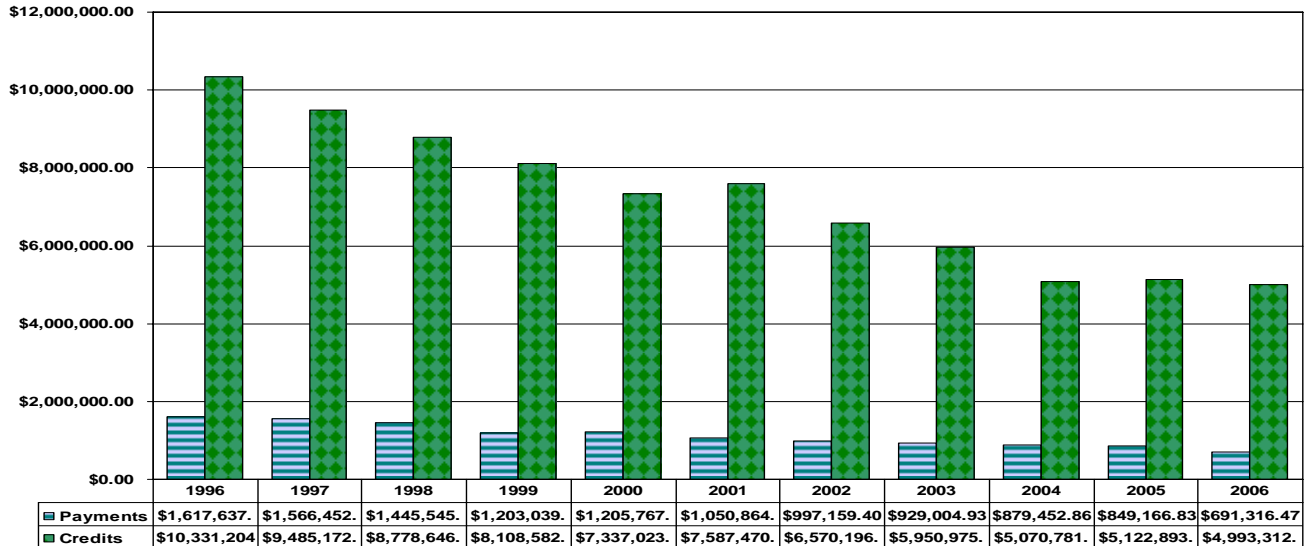


NOTE: 2005 figures not available due to system "crash."

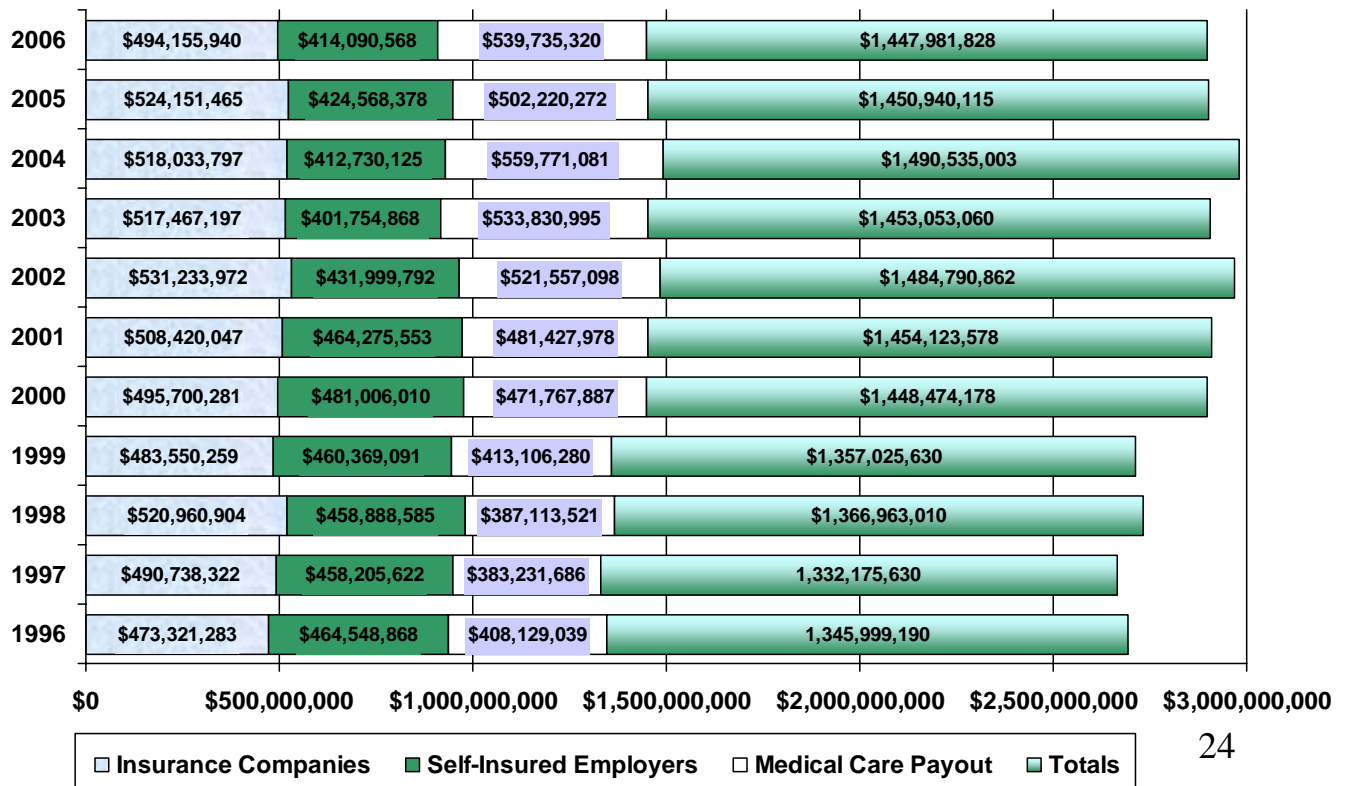
# Indemnity Payments



# Compensation Supplement Fund Reimbursements



## Payout in Workers' Compensation Benefits and Medical Care



# Magistrate Case Disposition Chart

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005*	2006
Redemptions	15,070	14,085	13,696	13,152	12,928	12,332	11,528	10,803	11,425	9,486	8,845
Opinions	1,363	1,172	1,079	916	812	817	860	769	792	702	473
Other Dispositions	6,568	6,329	6,282	5,863	5,689	5,868	5,839	5,707	6,103	4,405	4,297
Total Dispositions	23,001	21,586	21,057	19,931	19,429	19,017	18,227	17,279	18,320	14,593	13,615

\*These statistics are based on a manual count corresponding to the order mailed date and may be subject to revision. The numbers should not be compared to our system-generated reports from previous and/or future years because those are based on file received dates rather than mailed dates.

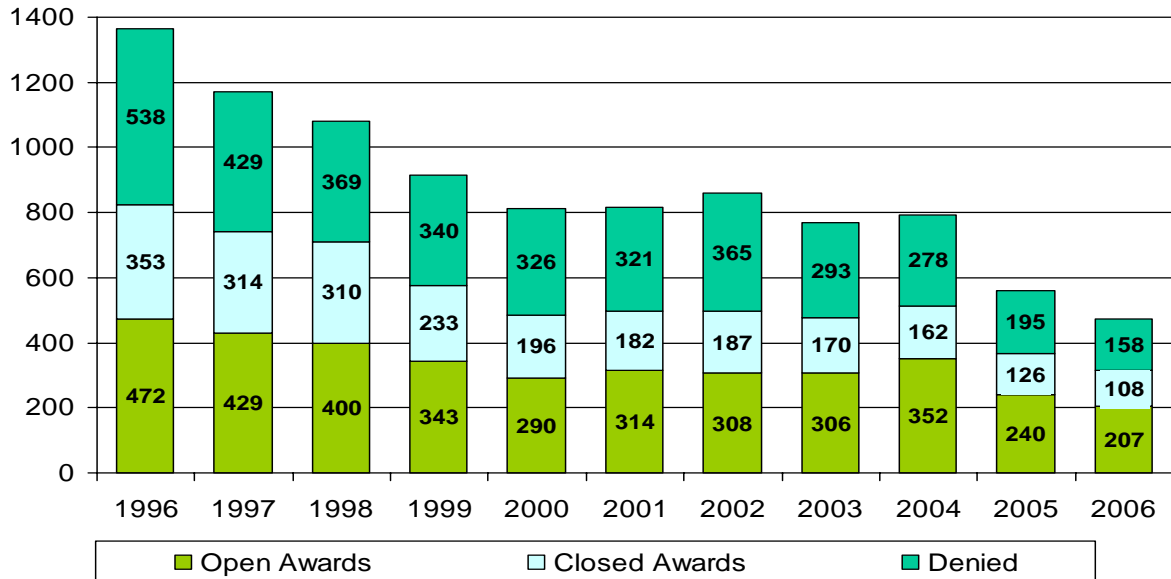
# Magistrate Aged Case Distribution Chart

	1996	1997	1998	1999	2000	2001	2002	2003	2004*	2006
0 – 12 Months	13,152	12,785	12,502	11,831	12,698	12,999	13,533	12,742	11,452	9,295
13 – 18 Months	2,677	2,619	2,622	2,406	2,466	2,745	3,190	3,370	3,151	2,786
19 – 24 Months	1,155	1,104	958	947	761	823	997	1,462	1,272	1,513
Over 24 Months	778	650	484	408	285	160	222	418	701	1,338
Total Docket Load	17,762	17,158	16,566	15,592	16,210	16,727	17,942	17,992	16,576	14,932

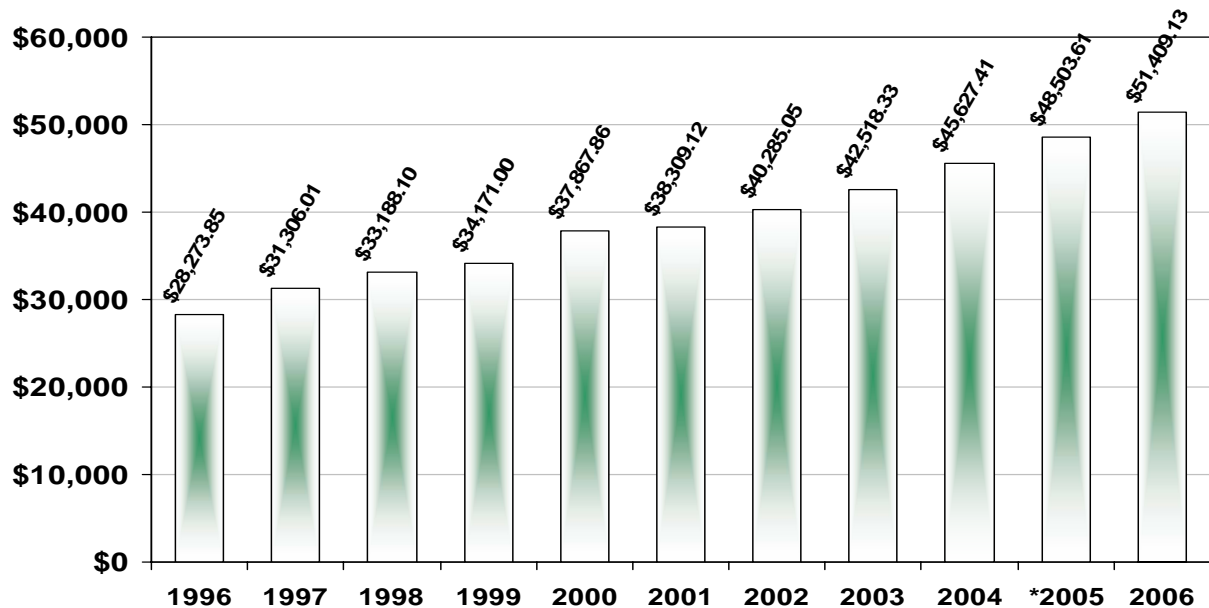
**NOTE: 2005 figures not available due to system “crash.”**

\* Figures revised from previous year’s reports because they did not include the cases awaiting external resolution (e.g. Medicare, Friend of the Court, pension, etc.

# Workers' Compensation Trends



# Average Redemption Amounts

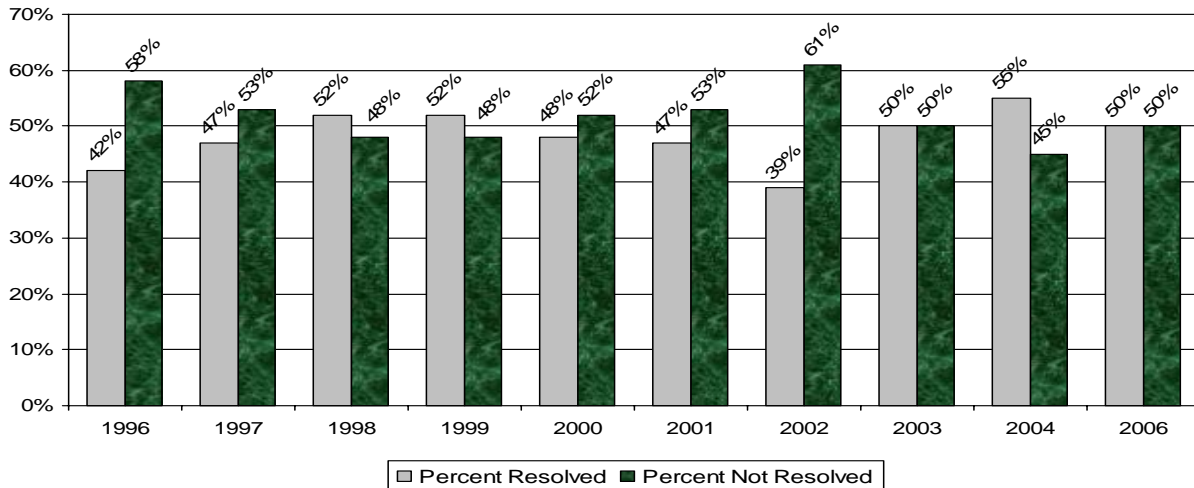


\* 2005 statistics are based on a manual count corresponding to the order mailed date and may be subject to revision. The numbers should not be compared to our system-generated reports from previous and/or future years because those are based on file received dates rather than mailed dates.

# Statutory Mediation Dispositions

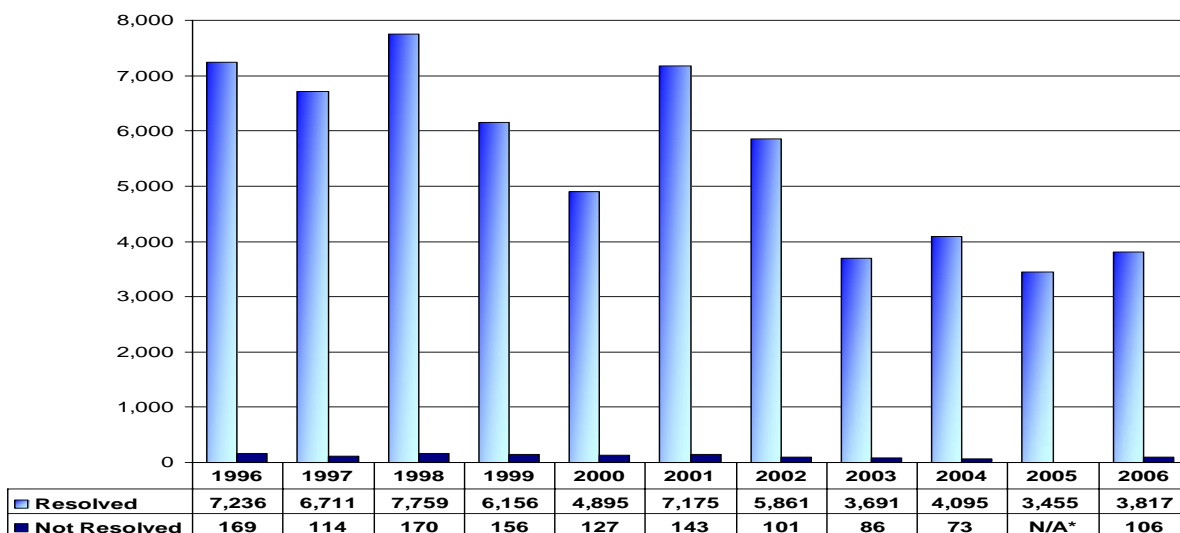
(Not including VR & Health Care Rule Hearings)

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2006
Resolved	3,686	3,757	3,958	4,402	3,926	3,255	2,631	1,628	1,579	1,498
Not Resolved	5,044	4,258	3,667	4,030	4,228	3,689	4,143	1,635	1,294	1,478



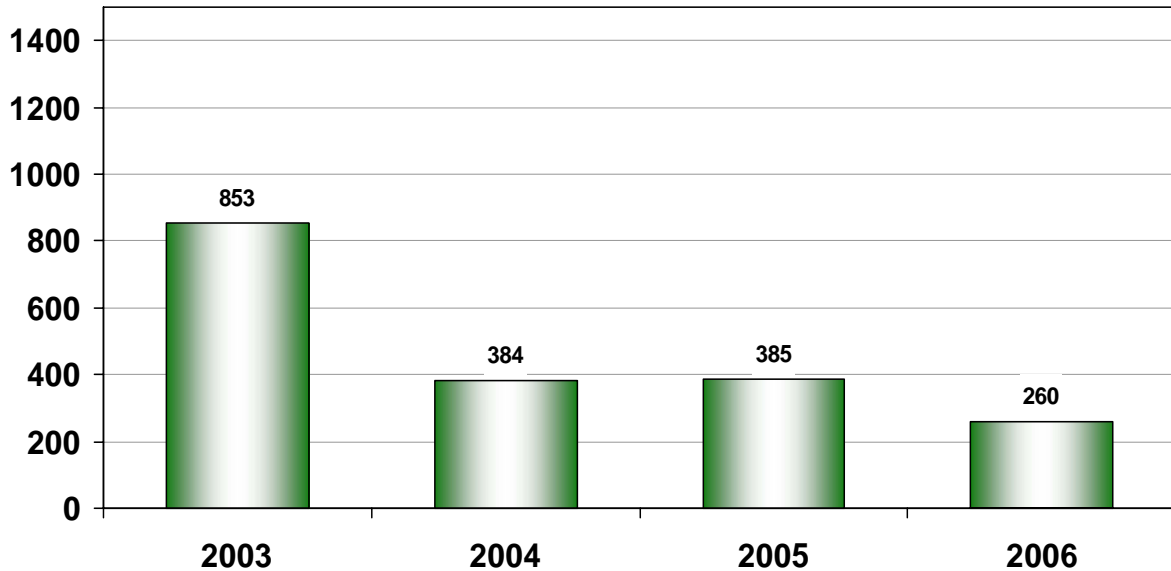
2005 figures not available due to system "crash."

## Health Care Rule Dispositions



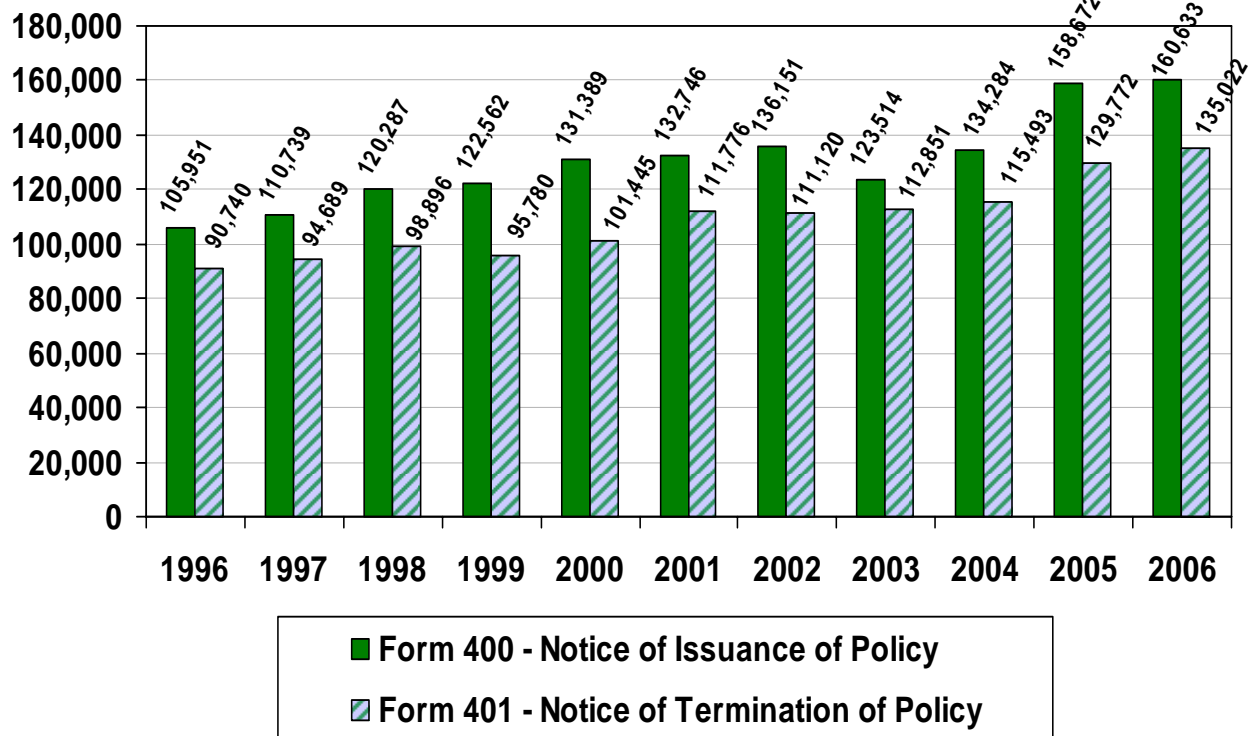
\* Figure not available due to system "crash."

# Vocational Rehabilitation Programs Closed by Return to Work



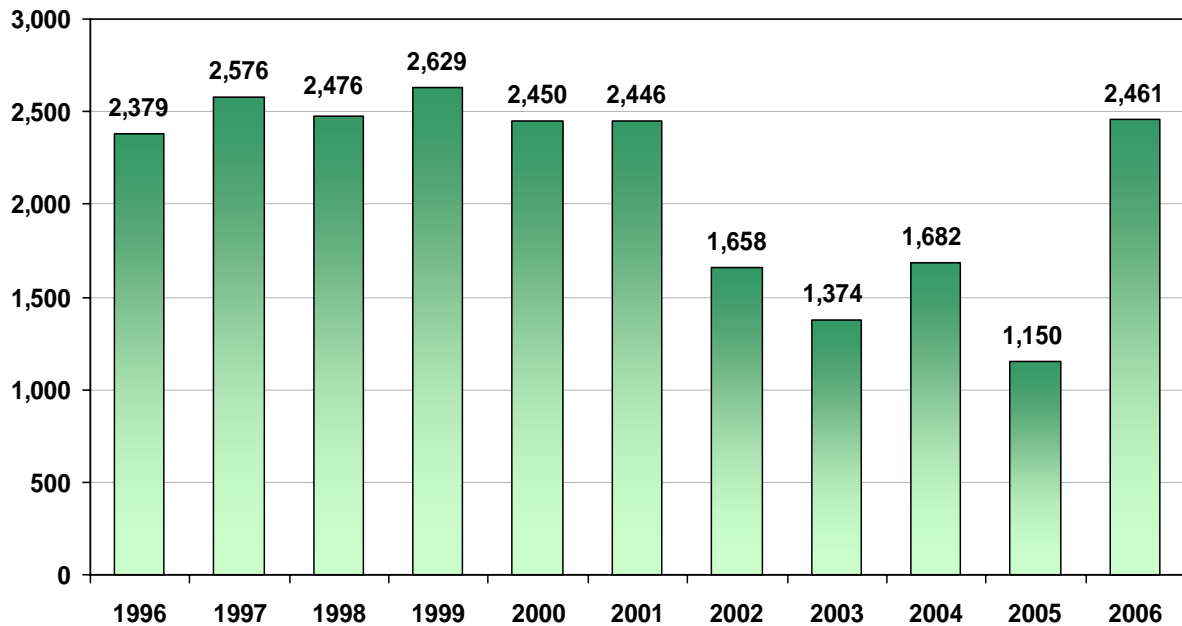
New VR reporting system was implemented in 2003 separating vocational rehabilitation statistics from medical management cases. The above stats include VR cases only.

## Forms 400 & 401 Received

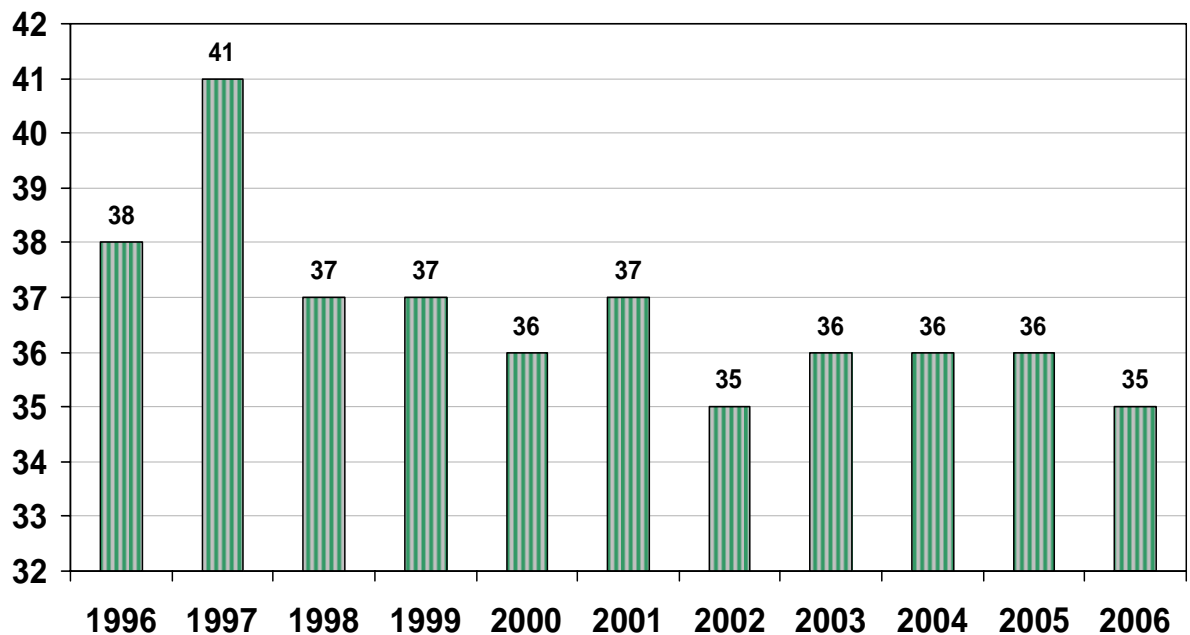




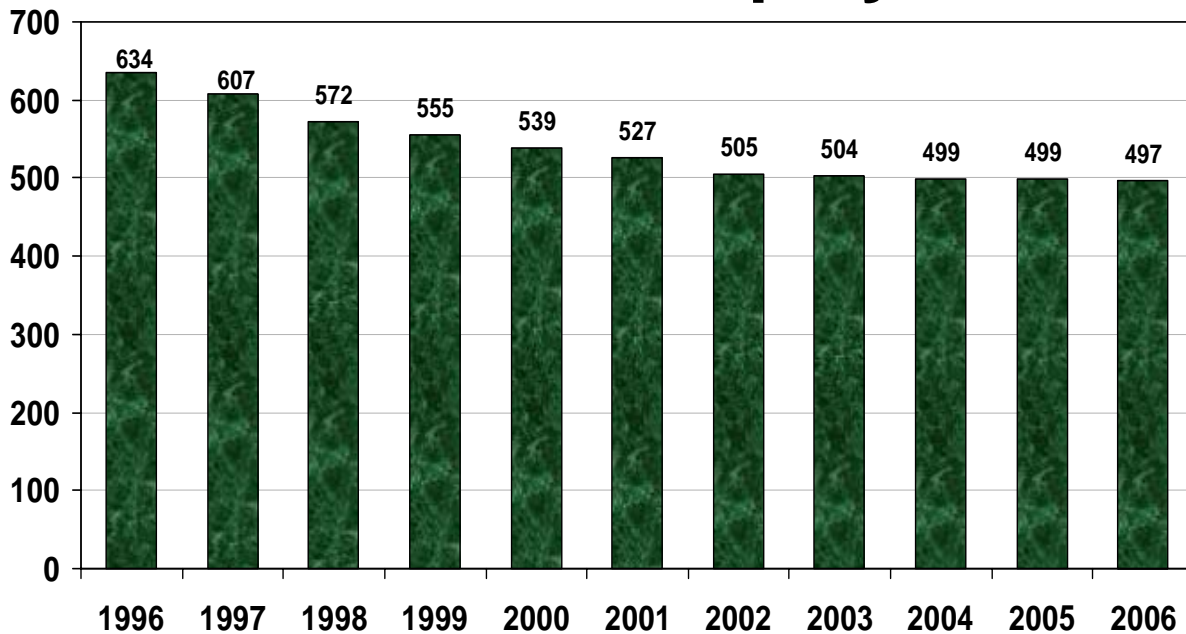
# Exclusion Forms Processed



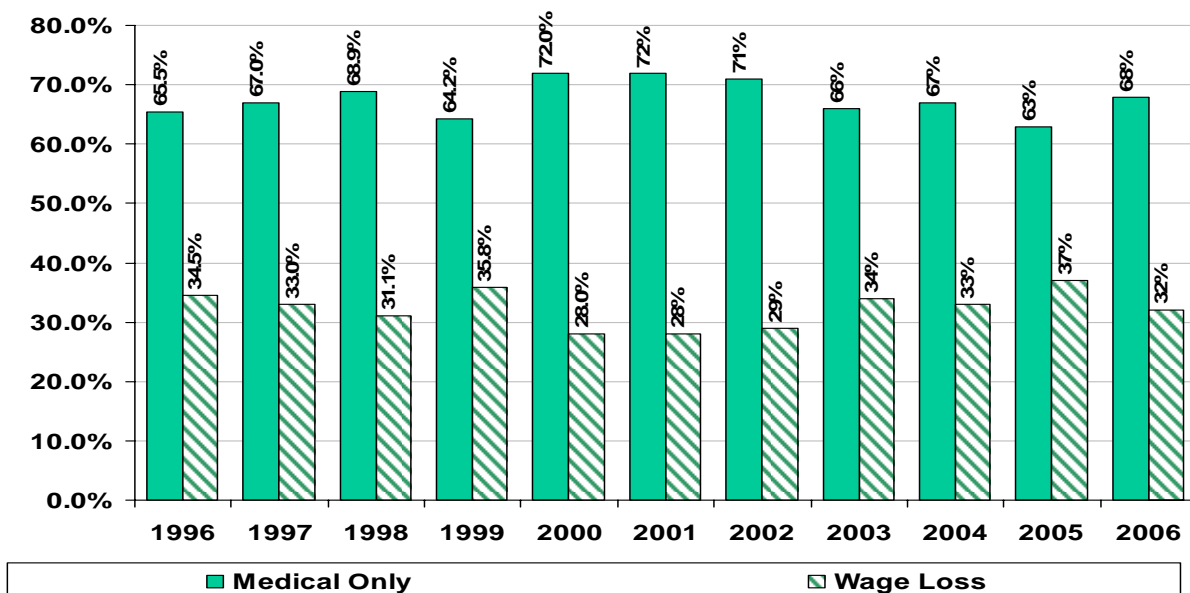
# Number of Approved Self-Insured Groups



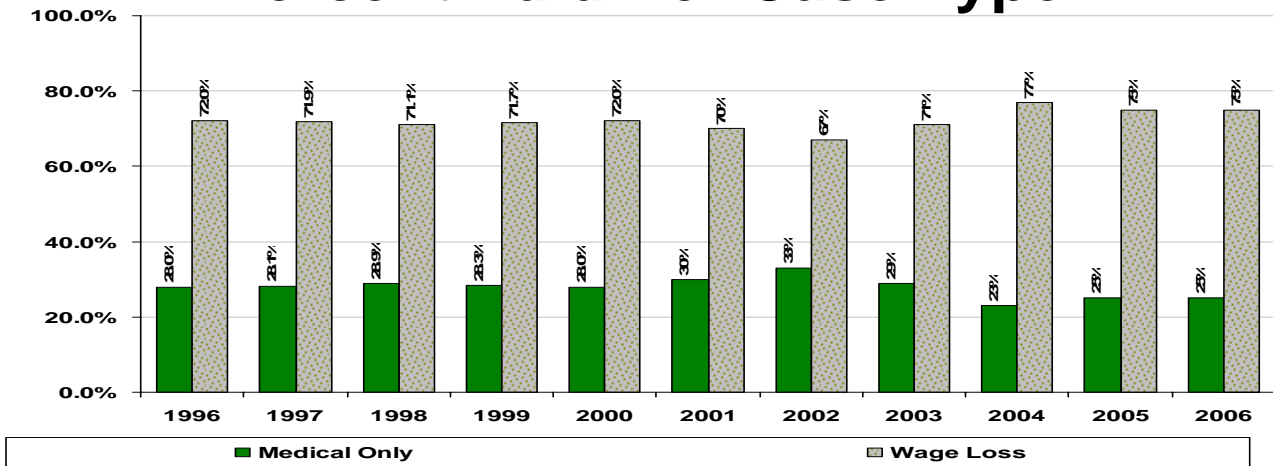
# Number of Approved Individual Self-Insured Employers



# Workers' Comp Cases – By Case Type



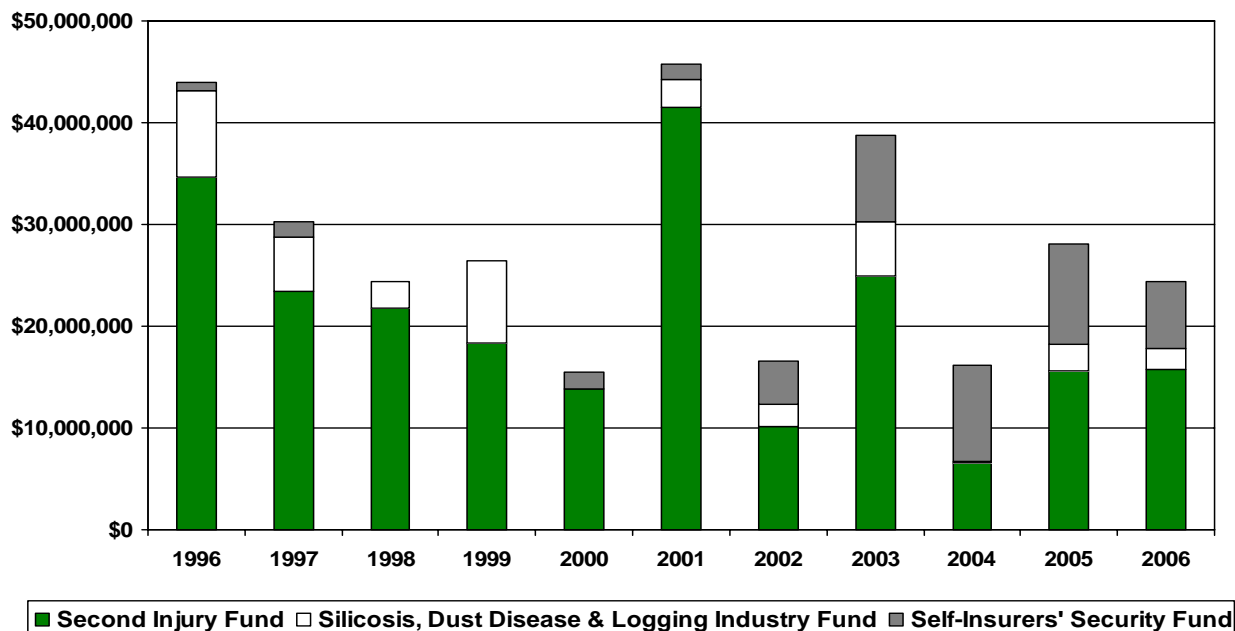
# Health Care Costs - Percent Paid Per Case Type



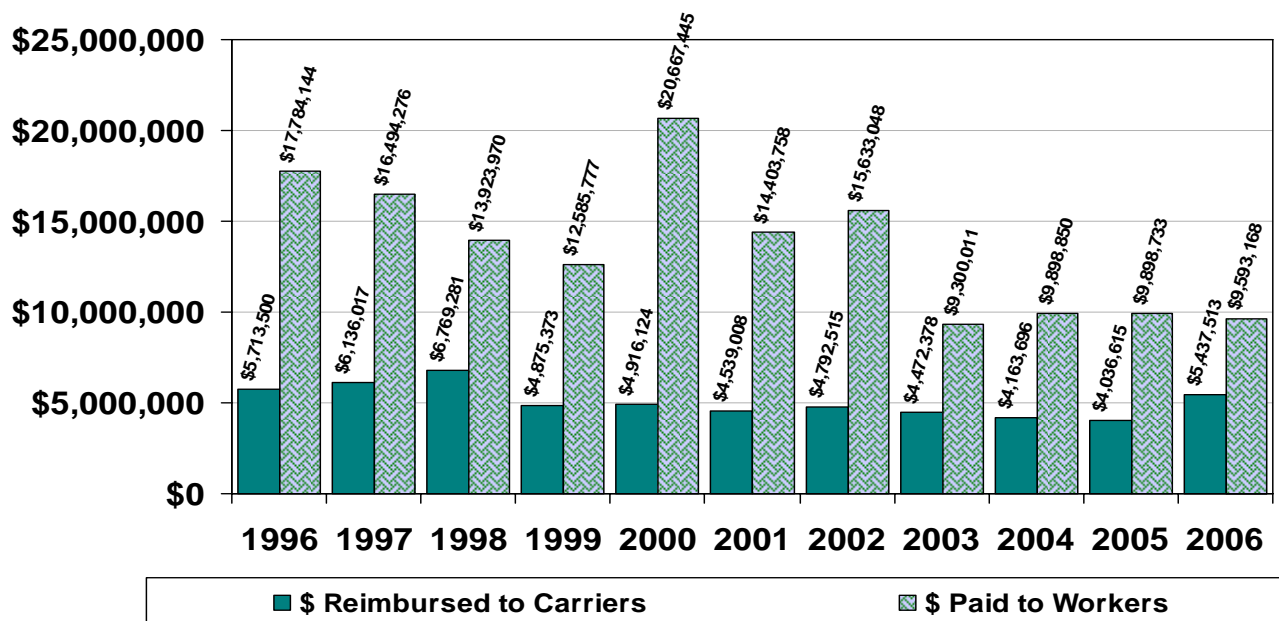
## Workers' Compensation Annual Health Care Costs

TYPE OF CASE	JAN-DEC 2002	JAN-DEC 2003	JAN-DEC 2004	JAN-DEC 2005	JAN-DEC 2006
<b>Medical Only</b>					
Number of Cases	262,980	228,540	230,198	229,711	202,826
Amount Paid	\$172,959,266	\$155,305,063	\$129,441,688	\$124,461,364	\$132,170,897
Cost/Case	\$658	\$680	\$562	\$542	\$652
<b>Wage Loss</b>					
Number of Cases	104,883	120,010	113,913	135,748	94,403
Amount Paid	\$348,597,832	\$378,525,932	\$430,329,393	\$377,758,909	\$407,564,424
Cost/Case	\$3,324	\$3,154	\$3,778	\$2,783	\$4,317
<b>TOTAL</b>					
Number of Cases	367,863	348,550	344,111	364,984	296,964
Amount Paid	\$521,557,098	\$533,830,995	\$559,771,081	\$502,220,272	\$539,735,320
Cost/Case	\$1,418	\$1,532	\$1,627	\$1,376	\$1,818
<b>% Of Total Cases-Med Only</b>	71%	66%	67%	63%	68%
<b>% Of Total Cases-Wage Loss</b>	29%	34%	33%	37%	32%
<b>% Of Total Cost-Med Only</b>	33%	29%	23%	25%	24%
<b>% Of Total Costs-Wage Loss</b>	67%	71%	77%	75%	76%

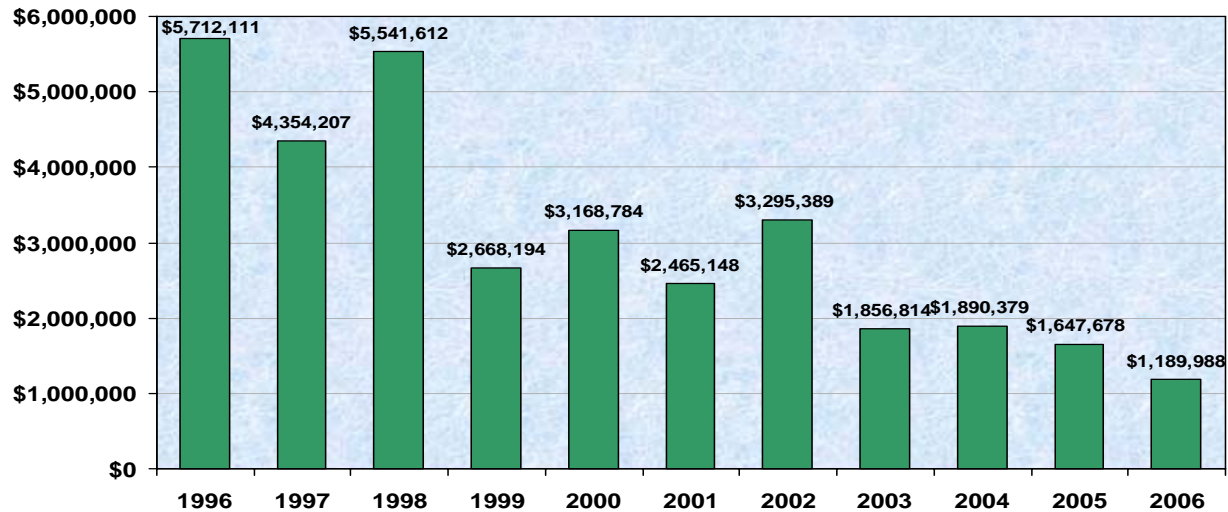
# Funds Administration Assessments



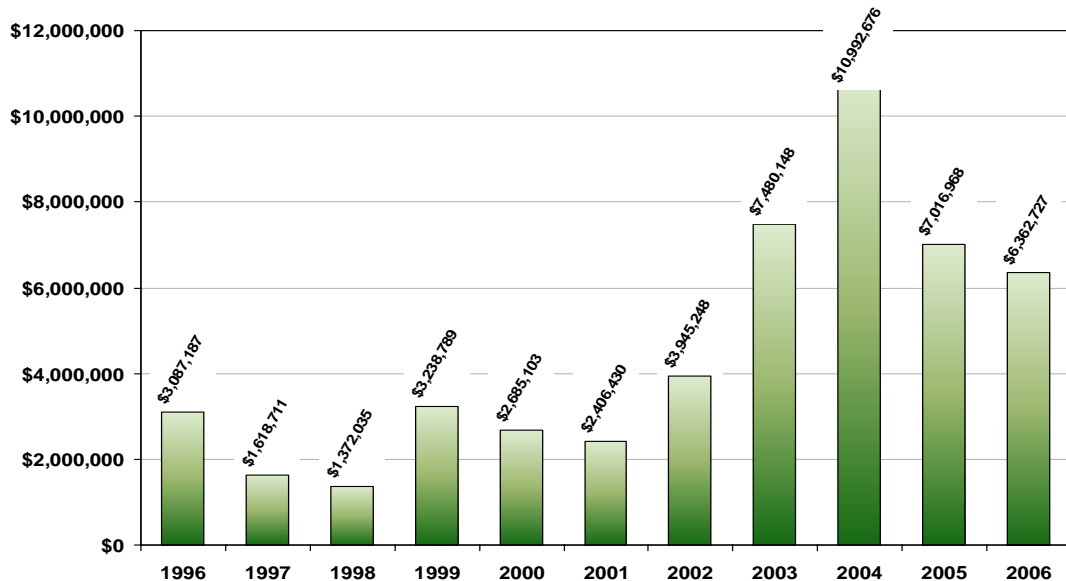
## Benefits Paid Out by Second Injury Fund



# Benefits Reimbursed to Carriers and Redemptions by the Silicosis, Dust Disease and Logging Industry Compensation Fund

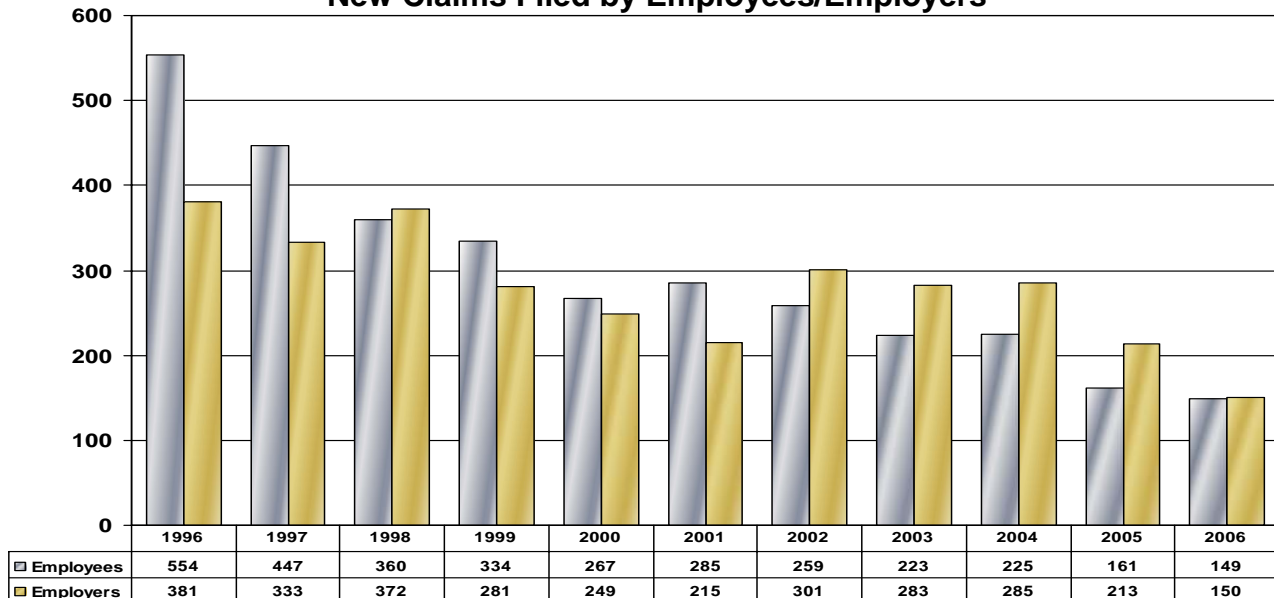


# Benefits Paid to Workers by the Self- Insurers' Security Fund



# Worker's Compensation Appellate Commission

## New Claims Filed by Employees/Employers

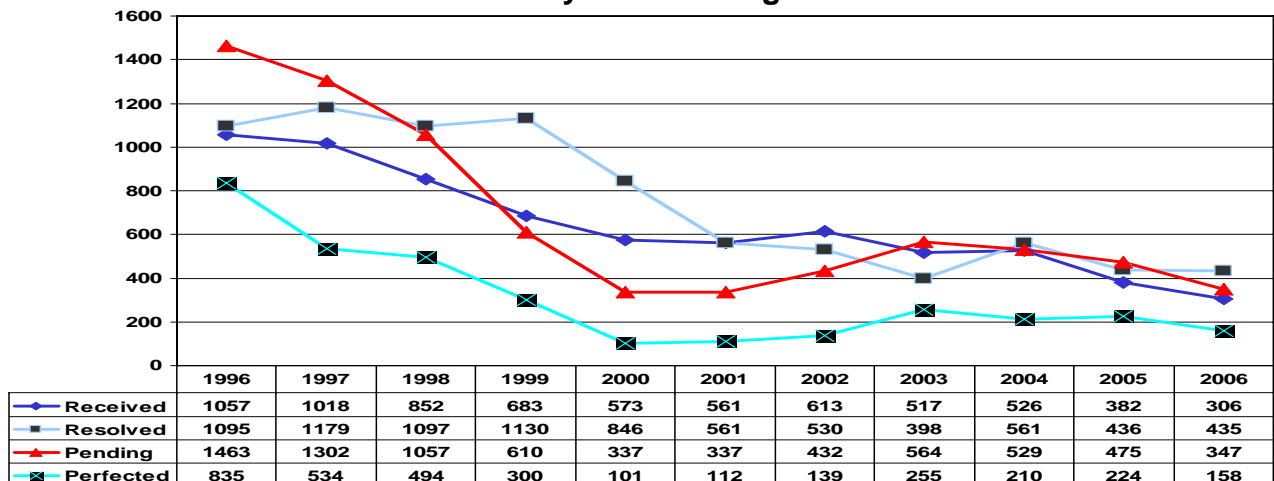


### New Claims Filed by Employees/Employers

The number of claims filed by employees and employers is represented in this illustration. The number of employee and employer claims received in 2006 versus 2005 decreased by 75 claims. In the 11 year span depicted above, employee claims peaked in 1996 with 554 claims being filed, with an overall low in 2006 of 149 claims, for a decrease of 73%. Employer claims peaked in 1996 with 381 claims being filed, with 150 claims received in 2006, for a decrease of 60%.

# Workers' Compensation Appellate Commission

## Claim Activity: 1996 through 2006



- **Received:** Includes all new claims filed with the Commission as well as reinstatements and remands from the Michigan Court of Appeals and the Michigan Supreme Court.
- **Resolved:** Includes all dispositive opinions, orders, redemptions and withdrawals.
- **Pending:** This figure includes all pending appeals before the Commission at the end of 2006, including active appeals (claims received prior to 2006 and new claims received in 2006), higher court reinstatements, remanded cases where the Commission retained jurisdiction.
- **Perfected:** All cases ready for review pending before the Commission (all required transcripts and briefs have been filed) awaiting disposition.

## ***Publications***

<b>Publication</b>	<b>Printed Copies Available from Agency</b>	<b>Information Available on Website</b>
Workers' Disability Compensation Act	X	X
Administrative Rules	X	X
1997 – 2006 Annual Reports	X	X
1996 and Prior Year Annual Reports	X	
Overview of Workers' Compensation in Michigan	X	X
A Summary of Your Rights and Responsibilities Under Workers' Disability Compensation (Pamphlet)	X	X
Coverage Questions for Subcontractors, General Contractors, and Independent Contractors	X	X
Vocational Rehabilitation for Injured Workers (Pamphlet)	X	X
Approved Vocational Rehabilitation Facilities	X	X
Health Care Services Rules Order Form	X	X
2005 Weekly Benefit Rate Book	X	X
Calculation Program	X	X
Individual Self-Insured Employer List	X	X
Self-Insured Group List	X	X
Service Company List	X	X
Workers' Compensation Appellate Commission Opinions	X	X
Michigan Workers' Compensation Forms	X	Most forms
Funds Administration Overview	X	X
Website address: <a href="http://www.michigan.gov/wca">www.michigan.gov/wca</a> Request forms at: 888-396-5041		